IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2342 of 1996

Between:

D.Venkata Rama Raju S/o.Surya Narayana Raju
R/o.83 Section-A, Ganten Enclave,
Sikh Road, Secundrabad

..... PETITIONER

AND

1 The Mandal Revenue Officer
Manuguru Mandal, Khamam District,
A.P.
2 The Station House Officer,
P.S Manuguru, Khamam District.
A.P.
3 The Collector,
Khamam District, A.P.
4 Sri Mukku Srirama Reddy S/O Venkataram Reddy
R/O Bayaram Village & Post Manuguru Mandal
Khamam District
5 Mamidipally Ganeswara Rao S/O Veeranna
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.
6 Mamidipally Satyanarayana S/O Ganeswara Rao,
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.
7 PITTALA RAMULU S/O O.MALACHU
R/O KONDYAGUDEM VILLAGE MANAGURU MANDAL
KHAMMAM DIST
8 Allipalli Simhachalam,
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.
9 Charpalaxmaiah
R/O Kondayagudem Village, Manuguru Mandalam,

Khamam District.

10 Cheemala Gopaiah S/o Chinni
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

11 Pandu Narsaiah, S/o Ramulu,
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

12 Karam Sammaiah S/o Sailu
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

13 Mandaru Adeyya S/o Narsaiah
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

14 Thati Pashuvaiah S/o Munthaiah
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

15 Kursam Veeraswamy S/o Sammaiah
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

16 Chintala Musalaiah S/o narsaiah
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

17 Madakam Musalaiah S/o Yerraiah
R/O Kondayagudem Village, Manuguru Mandalam,
Khamam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents 1 to 3 herein to give protection to the petitioners to possess and cultivate their agricultural lands bearing Survey No's 8, 20, 21, 22, 24, 25, 26, 27, 941, 974, 975, 853/25, 853/26, 853/27, 853/29, 853/30 and 853/31, totally admeasuring about 242 acres situated at Ramanujavaram, sivar of kondayagudem village in Manuguru Mandal of Khammam District, at the same time direct the Respondents 1 to 3, especially Respondent-1 viz. the Mandal Revenue Officer, Manuguru, to conduct survey and measurement to demarcate petitioners patta lands and the river bed lands at the earliest possible so that no encroachment of petitioners land takes place under the pretext of assignment by the Government of the river bed lands to the Respondents 4 to 7 and pass

Counsel for the Petitioner: MR.PANDURANGA RAO KULKARNI

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

1 . The petitioner has filed this writ petition stating that the respondents did not give necessary protection to the agricultural lands in various survey numbers admeasuring about Ac.242.00 cents situated at Ramanujavaram, Sivar of Kondayagudem village in Manuguru Mandal of Khammam District.

2 . According to the petitioner, his apprehension is that the respondent-authorities, under the guise of assigning part of the river-bed lands, are encroaching upon the petitioner's land or allowing the assignees to encroach upon the land of the petitioner and others as there was no demarcation of the private lands of the petitioner and other villagers. The grievance of the petitioner is that the respondent-authorities did not fix up the boundary and demarcate the private lands and the Government land, which is the river-bed land, and therefore, he has come up with the present writ petition.

3. The respondents have filed a counter stating that the petitioner or any other villagers have not filed any representation or petition to the respondent-authorities seeking demarcation of their land by fixing up boundaries. In the absence of any application, the respondents are not obligated to carry out any survey or demarcation. It is also mentioned that if the petitioner or any of the villagers come forward with an application seeking conducting of survey and demarcation of their boundaries, the respondent-authorities are ready to carry out the said requisition, and therefore, sought to dismiss the writ petition.

4. Heard both sides and considered the material on record.

5 . The grievance of the petitioner is that thier lands were not demarcated with reference to the boundaries. The apprehension is that if the river-bed land which is abutting to the petitioner's land is assigned to the third parties, the assignees may encroach upon the land of the petitioner. Therefore, the petitioner has sought to demarcate his lands by fixing up the boundaries. But, the stand taken

by the respondents is that no such requisition was made either by the petitioner or by any of the villagers, and if such a requisition is made, they are prepared to carry out the requisite survey to fix up the boundary.

6. Under the above circumstances, the writ petition is disposed of directing the petitioner to approach the respondent-authorities with appropriate application seeking conducting of necessary survey for fixing up the boundaries to their lands. If such an application is made, the respondents are directed to conduct necessary survey and fix up the boundaries to the petitioner's land. If any fee is required to be paid for conducting such survey, the petitioner is liable to pay it.

7. The writ petition is accordingly disposed of. No costs.

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(S. ANANDA REDDY, J.)

3rd December, 2004

bcj

To

1 The Mandal Revenue Officer
Manuguru Mandal, Khamam District, A.P.
2 The Station House Officer,
P.S Manuguru, Khamam District. A.P.
3 The Collector,
Khamam District, A.P.
4 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hdyerabad (OUT)

5 Two C.D. copies.